



Date of Council Meeting: June 8, 2015

**TOWN OF LEESBURG
TOWN COUNCIL MEETING
INFORMATION MEMO**

Subject: Special Exception Requirements for Drive-Through Uses

Staff Contact: Christopher Murphy, Zoning Administrator

Council Action Requested: None at this time.

Staff Recommendation: None at this time.

Commission Recommendation: None at this time.

Fiscal Impact: None at this time.

Work Plan Impact: Pending Council direction.

Executive Summary: The Special Exception process established in Zoning Ordinance Section 3.4 provides Town Council with:

... The opportunity to exercise discretionary powers considering the establishment of certain uses that, due to their nature, design or location, may have potential adverse impacts on adjacent land uses and or the health, safety, or welfare of the community...

Drive-through uses have been determined to be a type of use that has the potential for adverse impacts on adjacent land uses. This is due to their tendency to generate higher numbers of vehicle trips per day than the same type of use without a drive-through facility.

Background: Drive-throughs can currently be found in the Town attached to eating establishments, banks, and pharmacies. Except for pharmacies, any drive-through use in the Town requires a Special Exception.

Zoning Ordinance Section 3.4, Special Exceptions, provides the following regarding the purpose and intent for establishing certain uses as a Special Exception use::

The special exception process provides the Town Council with the opportunity to exercise discretionary powers in considering the establishment of certain uses that, due to their nature, design or location,

may have the potential for adverse impacts on adjacent land uses and/or the health, safety or welfare of the community. This Zoning Ordinance designates such uses “special exception uses”...

Drive throughs have been designated as a Special Exception use for the following:

- The use tends to generate higher numbers of vehicle trips per day than the same types of uses without a drive through facility might otherwise.
- Drive-throughs tend to cause vehicles to queue (line-up) for a period of time with engines running generating noise, glare from headlights, and fumes from exhaust.
- Drive-throughs employ the use of outdoor speakers.
- Drive-throughs can be open for business 24 hours per day.

It is for the reasons cited above that drive-throughs are acknowledged as having the potential to produce adverse impacts on adjacent uses, and are therefore required to obtain special exception review and approval. In addition, Zoning Ordinance Section 3.4 further grants the Town Council review authority not otherwise permissible for uses that are by right.

When considering such uses, the Town Council shall have the authority to impose conditions that are designed to remove or mitigate potentially adverse impacts upon the community or other properties in the vicinity of the proposed use.

In order to further guide the review of Special Exception applications and to mitigate the potential impacts that a particular application might have on adjacent properties, Zoning Ordinance Section 3.4.12 Approval Criteria is established, and states the following:

The Planning Commission and Town Council shall use the following criteria, in addition to other reasonable considerations, in making their decision regarding approval or disapproval of a special exception application:

- A. The proposed use will not adversely affect the use of neighboring properties.*
- B. The use shall comply with applicable zoning district regulations and applicable provisions of the adopted Town Plan, including but not limited to the Plan’s Land Use Compatibility policies.*
- C. The location, size and height of buildings structures, walls and fences, and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings.*

D. The proposed use will be such that pedestrian and vehicular traffic generated will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood and on the streets serving the site.

Provided below are some examples of drive-through uses whose designs were altered through the special exception process to mitigate specific impacts on adjacent properties identified under each particular application:

- Capital One Bank, East Market Street at Catoctin Circle: The drive-through was reoriented so that headlights will shine away from the public street and a low masonry wall was installed to screen vehicles taillights from the public street.
- Bank of America, Fort Evans Plaza II: A low masonry wall and landscaping was required between the drive-through and Fort Evans Road to screen headlight glare from the Evans Ridge townhomes across the street.
- BB&T Bank at Potomac Station: A masonry wall and landscaping was added to screen the adjacent single-family detached dwellings from light and glare produced by the drive-through.
- McDonald's on East Market Street: A solid masonry and panel fence wall was required along the property boundary screen the drive-through from adjacent properties.
- Wells Fargo Bank at Village at Leesburg: A solid masonry wall was required to separate the drive-through from the main entry drive into Land Bay A (Village Market Blvd).

The authority to impose specific mitigation conditions for identified impacts vested in the Town Council under the Special Exception review process ultimately led to mitigation measures for these particular applications that may not have been imposed had drive-throughs been part of a by-right development.

Pharmacies: Because of the limited numbers of vehicle trips generated by pharmacy drive-throughs, when compared to trips generated by banks or eating establishment uses, it is been the established practice of the Town to permit drive-throughs associated with pharmacies to be permitted by right. Examples of by right pharmacy drive-throughs include:

- Rite-Aid Pharmacy, South King Street
- CVS Pharmacy, East Market Street
- Walgreen's Pharmacy, Sycolin Road at Battlefield Parkway

Attachments: N/A